

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.2435 OF 2006

Shrikant Natha Mane. ..Applicant.
Vs.
State of Maharashtra. ..Respondent.

Mr. Meghashyan Kocharekar. Advocate for the Applicant.
Mr.P.S.Hingorani, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : 06/7/2006.

P.C.

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No. 270/2006 registered by Tardeo Police Station for alleged offences under Section 307, read with 34 and 120B of the I.P.C. and Section 37 read with 135 of the Bombay Police Act.

2. On perusal of the complaint and other investigation papers, it appears that in the complaint the accused Subhash is named and he along with his associates are said to have assaulted the complainant. Accused Subhash Adivarekar who is named was armed with chopper. After the incident all the assailants ran away. The applicant was arrested on 15.10.2005. There is no recovery of any weapon from him. The police have said to have recovered

his blood stained clothes. The C.A. report shows that blood grouping is inconclusive. However, no blood is found on apparel. There are two other witnesses. They also do not identify the applicant in their statements. The case rest on identification of the present applicant by these persons in the identification parade. As far as complainant is concerned, the present applicant is identified as a person who stabbed him after he fell down. There is no mentioning of falling down or any one stabbing thereafter in the complaint. The other persons also do not talk about the present applicant stabbing the injured. The A.P.P. states that the investigation is already completed and charge sheet is filed. Taking an over all view of the matter, I am inclined to grant bail to the applicant.

3. It is therefore, directed that pending his trial, the applicant may be released on bail in the sum of Rs.15,000/- with one surety in the like amount subject to condition that he should report to the Investigating Officer once in a fort night on every first and third Mondays till the disposal of the trial.

. Application is disposed of.

(R. S. MOHITE, J.)

